

TIGARD CITY COUNCIL
MEETING

SEPTEMBER 14, 2004 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
SEPTEMBER 14, 2004

6:30 PM

- **STUDY SESSION**

- **PROCESS FOR CONTIGUOUS ANNEXATION – INTRODUCTION OF ISSUES**

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss pending litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. **BUSINESS MEETING**

- 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

- 2. **PROCLAMATIONS**

- Mayor Dirksen
 - 2.1 Proclaim Constitution Week
 - 2.2 Proclaim October as Disability Employment Awareness Month
 - 2.3 Proclaim September as National Alcohol and Drug Addiction Recovery Month

- 3. **VISITOR'S AGENDA (Two Minutes or Less, Please)**

- Tigard High School Student Envoy Nikki Pham
 - Dan Murphy from the Tigard Area Chamber of Commerce

- 4. **CONSENT AGENDA:** These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 4.1 Approve Council Minutes for April 5, 2004 (Tualatin City Council & TTSD #23J joint meeting), July 27, 2004 and August 10, 2004
 - 4.2 Receive and File
 - a. Council Calendar
 - b. Tentative Agenda
 - 4.3 Local Contract Review Board:
 - a. Award Contract for Storm Drainage & Sanitary Sewer Rehabilitation Program
 - b. Award Contract for Citywide Janitorial Services to Tualatin Valley Workshop
 - 4.4 Appoint Susan Yesilada to Budget Committee: Resolution No. 04- _____
 - 4.5 Approve Municipal Court Judge Pro-Tem Agreement: Resolution No. 04- _____
- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.
5. INVITATION TO TIGARD BLAST/CITIZEN FAIR
 - Mayor Dirksen
 6. INFORMATION & PRESENTATION- BUSINESS ENERGY TAX CREDIT
 - Staff Report: Margaret Barnes, Library Director
 7. ACKNOWLEDGE ACHIEVEMENTS AND DISBAND THE NEW LIBRARY RESOURCE TEAM:
 - a. Staff Report: Margaret Barnes, Library Director
 - b. Council Consideration: Resolution No. 04 - _____
 8. CONSIDER AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE, TITLE 14 – BUILDINGS AND CONSTRUCTION
 - a. Staff Report: Gary Lampella, Building Official
 - b. Staff Recommendation
 - c. Council Discussion
 - d. Council Consideration: Ordinance No. 04 - _____

9. PUBLIC HEARING (QUASI-JUDICIAL) – APPEAL OF CONDITONAL USE PERMIT FOR ALBERTA RIDER SCHOOL AND COT WATER RESERVOIR (CUP 2003-00012/VAR2004-00037/VAR2003-00041/VAR2004-0042/VAR2004-00043/VAR2003-00053)

ITEM ON APPEAL: On July 12, 2004, the Tigard Hearing's Officer held a public hearing to consider an application for conditional use approval to construct a 67,000 square foot elementary school, a 3-million gallon water reservoir, and associated improvements on a 10.71 acre site. With this request were four adjustments and one variance to various requirements of the Tigard Development Code. The Hearings Officer issued his decision on August 10, 2004 to approve the Conditional Use Permit. On August 24, 2004 an appeal was filed by Venture Properties, developer of the Summit Ridge development immediately south of the school site. The Appeal Filing Form raises seven grounds for the appeal, generally as follows:

- 1) Improper notification for granting a variance.
- 2) Insustantial evidence in the record to grant a variance.
- 3) Improper findings to grant an adjustment to the driveway spacing standard along Bull Mountain Road.
- 4) Improper deferral of compliance through a condition of approval.
- 5) Improper finding regarding conditional use criteria to approve the use.
- 6) Improper finding that the development is feasible to complete.
- 7) Improper granting of an adjustment to cul-de-sac length.

LOCATION: On the south side of SW Bull Mountain Road, east of SW 133rd Avenue, WCTM 2S109AC, Tax Lot 2100 and 2S109AD, Tax Lot 1300. ZONE: R-7: Medium-Density Residential District. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.330, 18.360, 18.370, 18.390, 18.510, 18.705, 18.725, 18.745, 18.755, 18.765, 18.780, 18.790, 18.795 and 18.810; and the Bull Mountain Community Plan.

- a. Open Public Hearing
- b. Declarations or Challenges
- c. Staff Report: Jim Hendryx, Community Development Director
- d. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
- e. Staff Recommendation
- f. Council Discussion
- g. Close Public Hearing
- h. Council Consideration: Resolution No. 04 - _____

10. COUNCIL LIAISON REPORTS

11. NON AGENDA ITEMS

12. ADJOURNMENT

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